

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICCARDO GREEN,

Plaintiff(s),

v.

SEATTLE ART MUSEUM,

Defendant(s).

NO. C07-58MJP

ORDER ON MOTION FOR
PROTECTIVE ORDER

The above-entitled Court, having received and reviewed:

1. Plaintiff's Motion for Protective Order (Dkt. No. 33)
2. Defendant's Opposition to Plaintiff Green's Motion for Protective Order (Dkt. No. 35)
3. Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Protective Order Under FRCP 26(c) (Dkt. No. 37)

and all exhibits and declarations attached thereto, makes the following ruling:

IT IS ORDERED that the motion is DENIED.

IT IS FURTHER ORDERED that Plaintiff's motions to strike Defendant's exhibits and sanction Defendant's attorney are DENIED.

Plaintiff has moved for a protective order quashing Defendant's notice of deposition of Plaintiff Green, scheduled for October 2, 9:30 a.m. in the offices of Defendant's counsel. Plaintiff's request will be denied on two grounds:

1. Failure to comply with FRCP 26(c): Plaintiff's motion was not accompanied by a "certification that the movant has in good faith conferred or attempted to confer with other affected parties in an attempt to resolve the dispute without court action," as required by the rule. Plaintiff's statement that he indicated in the joint status report that

1 he would move for a protective order (Reply, p. 3) does not satisfy the requirement that
2 he confer with the affected parties and try to resolve the dispute.

- 3 2. Failure to provide proof of good cause: Plaintiff's allegations that the requested
4 deposition will be "unduly burdensome, time consuming, burdensome, irrelevant to
5 case, used to amend judgment, reconsider judgment, harass, suppress, oppress,
6 intimidate and in 'bad faith'" (Pltf. Mtn., p. 2) are unsupported by facts or case law and
7 do not establish adequate grounds for permitting him to avoid what is a standard
8 discovery procedure in all civil litigation. Plaintiff has filed a complaint seeking
9 damages against the defendant Seattle Art Museum. It is entirely reasonable and well
10 within the bounds of acceptable practice for the defendant to depose the complaining
11 witness or witnesses in a lawsuit. Plaintiff risks the sanction of this Court if he
12 continues to attempt to oppose standard discovery procedures in the litigation which he
13 himself initiated.

14 The Court declines to sanction Plaintiff at this time, but does find that this motion for a
15 protective order borders on frivolous, as does Plaintiff's request that counsel for defense in this matter
16 and another of his lawsuits before this Court (Green v. California Court Apartments, LLC,
17 C07-334MJP) be sanctioned for filing notices of deposition on the same day. (Reply, pp. 4-5.)¹
18 Plaintiff is a seasoned pro se litigator and will be expected to adhere to standards of ethics and
19 professionalism expected of all practitioners before this Court.


20 Plaintiff's motion that Defendant's exhibits be stricken alleges violations of "work-product
21 doctrine and/or attorney-client privilege" (Reply, p. 5) without any citation to specific exhibits or to
22 case law supporting the request. That request will be denied. Plaintiff also complains about the
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24 ¹ The depositions themselves are noted for different days; Plaintiff merely received notice of the scheduled
25 examinations on the same day.

1 alleged failure of Defendant to respond to interrogatories served by Plaintiff; that complaint is only
2 properly brought as a motion to compel discovery and will not be entertained in any other form.

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4 The clerk is directed to provide copies of this order to all counsel of record.

5 Dated: September 25, 2007

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8 Marsha J. Pechman
9 U.S. District Judge
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